

Daniel DERMARK  
Serial No. 10/560,029

**Atty Dkt:** 3670-60  
**Art Unit:** 2838

**AMENDMENTS TO THE DRAWINGS:**

Please amends Fig. 1 as required by the Examiner for supply reference numerals in the manner of the Replacement Sheet of drawings which is electronically submitted on same date as the electronic filing of this Amendment.

### **REMARKS/ARGUMENTS**

Reexamination of the captioned application is respectfully requested.

#### **A. SUMMARY OF THIS AMENDMENT**

By the current amendment, Applicant basically:

1. Editorially amends the specification.
2. Amends Fig. 1 as required by the Examiner by providing a Replacement Sheet of drawings, the Replacement Sheet being submitted on same date as the electronic filing of this Amendment.
3. Editorially amends claims 1 – 3.
4. Adds new claims 4 - 6.
5. Respectfully traverses all prior art rejections.

#### **B. PATENTABILITY OF THE CLAIMS**

Claims 1,-3 stand rejected under 35 USC 102(b) as being anticipated by U.S. Patent 6,009,000 to Siri et al. All prior art rejections are respectfully traversed for at least the following reasons.

Independent claim 1 requires, e.g.:

control means common to the first and second converters and arranged to detect a first output voltage at a point in the device which is a common point for the output voltages of the first and second converter, with the control means being arranged to deliver a common control signal to control input means of each converter, said common control signal being varied according to a level of voltage at said common point.

Independent claim 1 thus involves a common control means, which detects a voltage at a common point and applies a common control signal. Moreover, in view of the fact the control means of independent claim 1 is in means plus function format, one

construing the control means by looking to the specification and interpreting the control means in light of the corresponding structure, material, or acts described therein, and equivalents thereof. See, e.g., In re Donaldson Co. Inc, 16 F.3d 1189, 29 USPQ2d 1845 (Fed. Cir. 1994)<sup>1</sup>.

Applicant's specification discloses control means (140) which is common to the first and second DC-DC converters, and which delivers a common control signal to control input means of each converter.

Thus, for independent claim 1, the control means must be interpreted for patentability purposes as a single control means which is common to both the first and second converters.

On the other hand, US 6,009,000 to Sin et al. explicitly teaches the use of separate control circuits for each of the current mode power stages. *See*, for example, Fig. 2 wherein converter 1 has control circuit 1 and converter 2 has control circuit 2. Thus, Sin disclosure explicitly teaches the use of separate control circuits for each of the current mode power stages. *See* further, for example, column 8, lines 27-30, or column 8, lines 44-47, and also Fig 4, which shows two DC-DC converters 30a and 30b, each having its own control circuit, 32a and 32 b respectively.

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<sup>1</sup> Quoting from *In Re Donaldson*: The plain and unambiguous meaning of paragraph six is that one construing means-plus-function language in a claim must look to the specification and interpret that language in light of the corresponding structure, material, or acts described therein, and equivalents thereof, to the extent that the specification provides such disclosure. Paragraph six does not state or even suggest that the PTO is exempt from this mandate, and there is no legislative history indicating that Congress intended that the PTO should be.<sup>2</sup> Thus, this court must accept the plain <29 USPQ2d 1849> and precise language of paragraph six. *See Mansell supra; see also Diamond v. Chakrabarty*, 447 U.S. 303, 308 [206 USPQ 193] (1980) (“courts ‘should not read into the patent laws limitations and conditions which the legislature has not expressed’”), quoting *United States v. Dubilier Condenser Corp.*, 289 U.S. 178, 199 [17 USPQ 154] (1933). Accordingly, because no distinction is made in paragraph six between prosecution in the PTO and enforcement in the courts, or between validity and infringement, we hold that paragraph six applies regardless of the context in which the interpretation of means-plus-function language arises, i.e., whether as part of a patentability determination in the PTO or as part of a validity or infringement determination in a court

New independent claim 3 resembles amended independent claim 1, but does not employ means plus function terminology. Yet independent claim 3 explicitly states that its control circuit is a single control circuit.

In view of the foregoing, US 6,009,000 to Sin et al. does not teach or suggest Applicant's claims.

### **C. MISCELLANEOUS**

In view of the foregoing and other considerations, all claims are deemed in condition for allowance. A formal indication of allowability is earnestly solicited.

The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.

Should the Examiner feel that an interview with the undersigned would facilitate allowance of this application, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,  
**NIXON & VANDERHYE P.C.**

By: H. Warren Burnam, Jr.

H. Warren Burnam, Jr.  
Reg. No. 29,366

HWB:lsh  
901 North Glebe Road, 11th Floor  
Arlington, VA 22203-1808  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100